

AMENDED IN SENATE JUNE 30, 2015

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 27, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 179**

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**Introduced by Assembly Member Bonilla**

~~(Coauthor: Senator Hill)~~

*(Principal coauthor: Senator Hill)*

January 26, 2015

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An act to amend Sections ~~205, 726, 1601.1, 1616.5, 1632, 1638, 1638.1, 1638.3, 1646.6, 1647.8, 1724, 1725, 1742, 2841, 2847, 2894, 4501, 4503, and 4547~~ and 4503 of, *to amend, repeal, and add Sections 205, 2894, and 4547 of*, and to add Section 1650.1 to, the Business and Professions Code, relating to healing arts.

### LEGISLATIVE COUNSEL'S DIGEST

AB 179, as amended, Bonilla. Healing arts.

(1) Under ~~Existing~~ *existing* law, the commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer is unprofessional conduct, except that it is not unprofessional conduct when sexual contact is between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship, as specified.

This bill would expand the exception by providing that it would not be unprofessional conduct when *consensual* sexual contact is between a licensee and his or her spouse or person in an equivalent domestic relationship, as specified.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental assistants by the Dental Board of

California within the Department of Consumer Affairs, which consists of 8 practicing dentists, a registered dental hygienist, a registered dental assistant, and 5 public members, and authorizes the board to appoint an executive officer to exercise powers and perform duties delegated by the board to him or her. These provisions are in effect only until January 1, 2016, and upon repeal of those provisions the board will be subject to review by the appropriate policy committees of the Legislature. The act ~~proscribes~~ *prescribes* various fees that are required to be paid by dentists and dental assistants for, among other things, an initial license and the renewal of that license.

This bill would extend the provisions relating to the Dental Board until January 1, 2020. The bill would also change various fees that would be required to be paid by a dentist, a dental assistant, or certain educational programs, as specified. The bill would, on and after January 1, 2016, require that an initial license for a dentist be no greater than \$650 and would require the fee for the renewal of that license to be no greater than \$650. The bill would, on and after January 1, 2018, require that an initial license be no greater than \$800 and would require the fee for a renewal of that license to be no greater than \$800. The bill would also require, by July 1, 2016, every applicant and licensee under the act to report to the board his or her electronic mail address, and would require the board to annually send an electronic notice to each applicant and licensee that requests confirmation of the applicant's or licensee's electronic mail address.

*Existing law creates the Dental Assisting Council of the Dental Board of California, which considers all matters relating to California dental assistants and is composed of members who shall serve terms, as specified. Existing law requires the board to make all the initial appointment of members by May 1, 2012.*

*This bill would prohibit a member from serving more than two full terms. The bill would remove the requirement for the board to make all initial appointments by May 1, 2012.*

(3) Existing law provides for the licensure and regulation of vocational nurses under the Vocational Nursing Practice Act, and psychiatric technicians under the Psychiatric Technicians Law, by the Board of Vocational Nursing and Psychiatric Technicians of the State of California. Existing law repeals these provisions on January 1, 2016.

This bill would extend the repeal date of the provisions relating to the board to January 1, 2018.

(4) Existing law establishes the Vocational Nursing and Psychiatric Technicians Fund in the State Treasury, and establishes the Vocational Nurses Account and the Psychiatric Technicians *Technician* Examiners Account within the fund. Existing law authorizes the Board of Vocational Nursing and Psychiatric Technicians of the State of California to collect specified fees and fines related to the board's licensure and regulation of psychiatric technicians, and prohibits the board from charging expenses for these activities from any other source.

This ~~bill~~ bill, beginning July 1, 2016, would remove that prohibition, abolish the Vocational Nurses Account and the Psychiatric Technicians *Technician* Examiners Account, and specify that all money in the Vocational Nursing and Psychiatric Technicians Fund shall be used to carry out the Vocational Nursing Practice Act and the Psychiatric Technicians Law.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1.—Section 205 of the Business and Professions Code~~  
2     ~~is amended to read:~~  
3     ~~205.—(a) There is in the State Treasury the Professions and~~  
4     ~~Vocations Fund. The fund shall consist of the following special~~  
5     ~~funds:~~  
6     ~~(1) Accountancy Fund.~~  
7     ~~(2) California Architects Board Fund.~~  
8     ~~(3) Athletic Commission Fund.~~  
9     ~~(4) Barbering and Cosmetology Contingent Fund.~~  
10    ~~(5) Cemetery Fund.~~  
11    ~~(6) Contractors' License Fund.~~  
12    ~~(7) State Dentistry Fund.~~  
13    ~~(8) State Funeral Directors and Embalmers Fund.~~  
14    ~~(9) Guide Dogs for the Blind Fund.~~  
15    ~~(10) Home Furnishings and Thermal Insulation Fund.~~  
16    ~~(11) California Architects Board-Landscape Architects Fund.~~  
17    ~~(12) Contingent Fund of the Medical Board of California.~~  
18    ~~(13) Optometry Fund.~~  
19    ~~(14) Pharmacy Board Contingent Fund.~~  
20    ~~(15) Physical Therapy Fund.~~  
21    ~~(16) Private Investigator Fund.~~

- 1 ~~(17) Professional Engineer's and Land Surveyor's Fund.~~
- 2 ~~(18) Consumer Affairs Fund.~~
- 3 ~~(19) Behavioral Sciences Fund.~~
- 4 ~~(20) Licensed Midwifery Fund.~~
- 5 ~~(21) Court Reporters' Fund.~~
- 6 ~~(22) Veterinary Medical Board Contingent Fund.~~
- 7 ~~(23) Vocational Nursing and Psychiatric Technicians Fund.~~
- 8 ~~(24) Electronic and Appliance Repair Fund.~~
- 9 ~~(25) Geology and Geophysics Account of the Professional~~
- 10 ~~Engineer's and Land Surveyor's Fund.~~
- 11 ~~(26) Dispensing Opticians Fund.~~
- 12 ~~(27) Acupuncture Fund.~~
- 13 ~~(28) Physician Assistant Fund.~~
- 14 ~~(29) Board of Podiatric Medicine Fund.~~
- 15 ~~(30) Psychology Fund.~~
- 16 ~~(31) Respiratory Care Fund.~~
- 17 ~~(32) Speech-Language Pathology and Audiology and Hearing~~
- 18 ~~Aid Dispensers Fund.~~
- 19 ~~(33) Board of Registered Nursing Fund.~~
- 20 ~~(34) Animal Health Technician Examining Committee Fund.~~
- 21 ~~(35) State Dental Hygiene Fund.~~
- 22 ~~(36) State Dental Assistant Fund.~~
- 23 ~~(37) Structural Pest Control Fund.~~
- 24 ~~(38) Structural Pest Control Eradication and Enforcement Fund.~~
- 25 ~~(39) Structural Pest Control Research Fund.~~
- 26 ~~(b) For accounting and recordkeeping purposes, the Professions~~
- 27 ~~and Vocations Fund shall be deemed to be a single special fund,~~
- 28 ~~and each of the several special funds therein shall constitute and~~
- 29 ~~be deemed to be a separate account in the Professions and~~
- 30 ~~Vocations Fund. Each account or fund shall be available for~~
- 31 ~~expenditure only for the purposes as are now or may hereafter be~~
- 32 ~~provided by law.~~
- 33 *SECTION 1. Section 205 of the Business and Professions Code*
- 34 *is amended to read:*
- 35 205. (a) There is in the State Treasury the Professions and
- 36 Vocations Fund. The fund shall consist of the following special
- 37 funds:
- 38 (1) Accountancy Fund.
- 39 (2) California Architects Board Fund.
- 40 (3) Athletic Commission Fund.

- 1 (4) Barbering and Cosmetology Contingent Fund.
- 2 (5) Cemetery Fund.
- 3 (6) Contractors' License Fund.
- 4 (7) State Dentistry Fund.
- 5 (8) State Funeral Directors and Embalmers Fund.
- 6 (9) Guide Dogs for the Blind Fund.
- 7 (10) Home Furnishings and Thermal Insulation Fund.
- 8 (11) California Architects Board-Landscape Architects Fund.
- 9 (12) Contingent Fund of the Medical Board of California.
- 10 (13) Optometry Fund.
- 11 (14) Pharmacy Board Contingent Fund.
- 12 (15) Physical Therapy Fund.
- 13 (16) Private Investigator Fund.
- 14 (17) Professional Engineer's and Land Surveyor's Fund.
- 15 (18) Consumer Affairs Fund.
- 16 (19) Behavioral Sciences Fund.
- 17 (20) Licensed Midwifery Fund.
- 18 (21) Court Reporters' Fund.
- 19 (22) Veterinary Medical Board Contingent Fund.
- 20 (23) Vocational Nurses Account of the Vocational Nursing and
- 21 Psychiatric Technicians Fund.
- 22 (24) Electronic and Appliance Repair Fund.
- 23 (25) Geology and Geophysics Account of the Professional
- 24 Engineer's and Land Surveyor's Fund.
- 25 (26) Dispensing Opticians Fund.
- 26 (27) Acupuncture Fund.
- 27 (28) Physician Assistant Fund.
- 28 (29) Board of Podiatric Medicine Fund.
- 29 (30) Psychology Fund.
- 30 (31) Respiratory Care Fund.
- 31 (32) Speech-Language Pathology and Audiology and Hearing
- 32 Aid Dispensers Fund.
- 33 (33) Board of Registered Nursing Fund.
- 34 (34) Psychiatric Technician Examiners Account of the
- 35 Vocational Nursing and Psychiatric Technicians Fund.
- 36 (35) Animal Health Technician Examining Committee Fund.
- 37 (36) State Dental Hygiene Fund.
- 38 (37) State Dental Assistant Fund.
- 39 (38) Structural Pest Control Fund.
- 40 (39) Structural Pest Control Eradication and Enforcement Fund.

1 (40) Structural Pest Control Research Fund.

2 (b) For accounting and recordkeeping purposes, the Professions  
3 and Vocations Fund shall be deemed to be a single special fund,  
4 and each of the several special funds therein shall constitute and  
5 be deemed to be a separate account in the Professions and  
6 Vocations Fund. Each account or fund shall be available for  
7 expenditure only for the purposes as are now or may hereafter be  
8 provided by law.

9 (c) *This section shall become inoperative on July 1, 2016, and,*  
10 *as of January 1, 2017, is repealed.*

11 SEC. 2. *Section 205 is added to the Business and Professions*  
12 *Code, to read:*

13 205. (a) *There is in the State Treasury the Professions and*  
14 *Vocations Fund. The fund shall consist of the following special*  
15 *funds:*

16 (1) *Accountancy Fund.*

17 (2) *California Architects Board Fund.*

18 (3) *Athletic Commission Fund.*

19 (4) *Barbering and Cosmetology Contingent Fund.*

20 (5) *Cemetery Fund.*

21 (6) *Contractors' License Fund.*

22 (7) *State Dentistry Fund.*

23 (8) *State Funeral Directors and Embalmers Fund.*

24 (9) *Guide Dogs for the Blind Fund.*

25 (10) *Home Furnishings and Thermal Insulation Fund.*

26 (11) *California Architects Board-Landscape Architects Fund.*

27 (12) *Contingent Fund of the Medical Board of California.*

28 (13) *Optometry Fund.*

29 (14) *Pharmacy Board Contingent Fund.*

30 (15) *Physical Therapy Fund.*

31 (16) *Private Investigator Fund.*

32 (17) *Professional Engineer's and Land Surveyor's Fund.*

33 (18) *Consumer Affairs Fund.*

34 (19) *Behavioral Sciences Fund.*

35 (20) *Licensed Midwifery Fund.*

36 (21) *Court Reporters' Fund.*

37 (22) *Veterinary Medical Board Contingent Fund.*

38 (23) *Vocational Nursing and Psychiatric Technicians Fund.*

39 (24) *Electronic and Appliance Repair Fund.*

1 (25) *Geology and Geophysics Account of the Professional*  
2 *Engineer's and Land Surveyor's Fund.*

3 (26) *Dispensing Opticians Fund.*

4 (27) *Acupuncture Fund.*

5 (28) *Physician Assistant Fund.*

6 (29) *Board of Podiatric Medicine Fund.*

7 (30) *Psychology Fund.*

8 (31) *Respiratory Care Fund.*

9 (32) *Speech-Language Pathology and Audiology and Hearing*  
10 *Aid Dispensers Fund.*

11 (33) *Board of Registered Nursing Fund.*

12 (34) *Animal Health Technician Examining Committee Fund.*

13 (35) *State Dental Hygiene Fund.*

14 (36) *State Dental Assistant Fund.*

15 (37) *Structural Pest Control Fund.*

16 (38) *Structural Pest Control Eradication and Enforcement Fund.*

17 (39) *Structural Pest Control Research Fund.*

18 (b) *For accounting and recordkeeping purposes, the Professions*  
19 *and Vocations Fund shall be deemed to be a single special fund,*  
20 *and each of the several special funds therein shall constitute and*  
21 *be deemed to be a separate account in the Professions and*  
22 *Vocations Fund. Each account or fund shall be available for*  
23 *expenditure only for the purposes as are now or may hereafter be*  
24 *provided by law.*

25 (c) *This section shall become operative on July 1, 2016.*

26 ~~SEC. 2.~~

27 *SEC. 3.* Section 726 of the Business and Professions Code is  
28 amended to read:

29 726. (a) The commission of any act of sexual abuse,  
30 misconduct, or relations with a patient, client, or customer  
31 constitutes unprofessional conduct and grounds for disciplinary  
32 action for any person licensed under this division or under any  
33 initiative act referred to in this division.

34 (b) This section shall not apply to *consensual* sexual contact  
35 between a licensee and his or her spouse or person in an equivalent  
36 domestic relationship when that licensee provides medical  
37 treatment, other than psychotherapeutic treatment, to his or her  
38 spouse or person in an equivalent domestic relationship.

1     ~~SEC. 3.~~

2     *SEC. 4.* Section 1601.1 of the Business and Professions Code  
3 is amended to read:

4     1601.1. (a) There shall be in the Department of Consumer  
5 Affairs the Dental Board of California in which the administration  
6 of this chapter is vested. The board shall consist of eight practicing  
7 dentists, one registered dental hygienist, one registered dental  
8 assistant, and five public members. Of the eight practicing dentists,  
9 one shall be a member of a faculty of any California dental college,  
10 and one shall be a dentist practicing in a nonprofit community  
11 clinic. The appointing powers, described in Section 1603, may  
12 appoint to the board a person who was a member of the prior board.  
13 The board shall be organized into standing committees dealing  
14 with examinations, enforcement, and other subjects as the board  
15 deems appropriate.

16     (b) For purposes of this chapter, any reference in this chapter  
17 to the Board of Dental Examiners shall be deemed to refer to the  
18 Dental Board of California.

19     (c) The board shall have all authority previously vested in the  
20 existing board under this chapter. The board may enforce all  
21 disciplinary actions undertaken by the previous board.

22     (d) This section shall remain in effect only until January 1, 2020,  
23 and as of that date is repealed, unless a later enacted statute, that  
24 is enacted before January 1, 2020, deletes or extends that date.  
25 Notwithstanding any other law, the repeal of this section renders  
26 the board subject to review by the appropriate policy committees  
27 of the Legislature.

28     ~~SEC. 4.~~

29     *SEC. 5.* Section 1616.5 of the Business and Professions Code  
30 is amended to read:

31     1616.5. (a) The board, by and with the approval of the director,  
32 may appoint a person exempt from civil service who shall be  
33 designated as an executive officer and who shall exercise the  
34 powers and perform the duties delegated by the board and vested  
35 in him or her by this chapter.

36     (b) This section shall remain in effect only until January 1, 2020,  
37 and as of that date is repealed, unless a later enacted statute, that  
38 is enacted before January 1, 2020, deletes or extends that date.



1     ~~SEC. 5.~~

2     *SEC. 6.* Section 1632 of the Business and Professions Code is  
3 amended to read:

4     1632. (a) The board shall require each applicant to successfully  
5 complete the Part I and Part II written examinations of the National  
6 Board Dental Examination of the Joint Commission on National  
7 Dental Examinations.

8     (b) The board shall require each applicant to successfully  
9 complete an examination in California law and ethics developed  
10 and administered by the board. The board shall provide a separate  
11 application for this examination. The board shall ensure that the  
12 law and ethics examination reflects current law and regulations,  
13 and ensure that the examinations are randomized. Applicants shall  
14 submit this application and required fee to the board in order to  
15 take this examination. In addition to the aforementioned  
16 application, the only other requirement for taking this examination  
17 shall be certification from the dean of the qualifying dental school  
18 attended by the applicant that the applicant has graduated, or will  
19 graduate, or is expected to graduate. Applicants who submit  
20 completed applications and certification from the dean at least 15  
21 days prior to a scheduled examination shall be scheduled to take  
22 the examination. Successful results of the examination shall, as  
23 established by board regulation, remain valid for two years from  
24 the date that the applicant is notified of having passed the  
25 examination.

26     (c) Except as otherwise provided in Section 1632.5, the board  
27 shall require each applicant to have taken and received a passing  
28 score on one of the following:

29     (1) A portfolio examination of the applicant's competence to  
30 enter the practice of dentistry. This examination shall be conducted  
31 while the applicant is enrolled in a dental school program at a  
32 board-approved school located in California. This examination  
33 shall utilize uniform standards of clinical experiences and  
34 competencies, as approved by the board pursuant to Section 1632.1.  
35 The applicant shall pass a final assessment of the submitted  
36 portfolio at the end of his or her dental school program. Before  
37 any portfolio assessment may be submitted to the board, the  
38 applicant shall remit the required fee to the board to be deposited  
39 into the State Dentistry Fund, and a letter of good standing signed  
40 by the dean of his or her dental school or his or her delegate stating

1 that the applicant has graduated or will graduate with no pending  
2 ethical issues.

3 (A) The portfolio examination shall not be conducted until the  
4 board adopts regulations to carry out this paragraph. The board  
5 shall post notice on its Internet Web site when these regulations  
6 have been adopted.

7 (B) The board shall also provide written notice to the Legislature  
8 and the Legislative Counsel when these regulations have been  
9 adopted.

10 (2) A clinical and written examination administered by the  
11 Western Regional Examining Board, which board shall determine  
12 the passing score for that examination.

13 (d) Notwithstanding subdivision (b) of Section 1628, the board  
14 is authorized to do either of the following:

15 (1) Approve an application for examination from, and to  
16 examine an applicant who is enrolled in, but has not yet graduated  
17 from, a reputable dental school approved by the board.

18 (2) Accept the results of an examination described in paragraph  
19 (2) of subdivision (c) submitted by an applicant who was enrolled  
20 in, but had not graduated from, a reputable dental school approved  
21 by the board at the time the examination was administered.

22 In either case, the board shall require the dean of that school or  
23 his or her delegate to furnish satisfactory proof that the applicant  
24 will graduate within one year of the date the examination was  
25 administered or as provided in paragraph (1) of subdivision (c).

26 ~~SEC. 6:~~

27 *SEC. 7.* Section 1638 of the Business and Professions Code is  
28 amended to read:

29 1638. (a) For purposes of this article, “oral and maxillofacial  
30 surgery” means the diagnosis and surgical and adjunctive treatment  
31 of diseases, injuries, and defects which involve both functional  
32 and esthetic aspects of the hard and soft tissues of the oral and  
33 maxillofacial region.

34 (b) Any person licensed under the Medical Practice Act (Chapter  
35 5 (commencing with Section 2000)) as a physician and surgeon  
36 who possesses, or possessed, a license to practice dentistry in  
37 another state, but is not licensed to practice dentistry under this  
38 chapter may apply to the board on a form prescribed by the board  
39 for an oral and maxillofacial surgery permit.

1 (c) The board may issue an oral and maxillofacial surgery permit  
2 to an applicant who has furnished evidence satisfactory to the  
3 board that he or she is currently certified or eligible for certification  
4 in oral and maxillofacial surgery by a specialty board recognized  
5 by the Commission on Accreditation of the American Dental  
6 Association and holds a current license in good standing to practice  
7 medicine in the state.

8 (d) An application shall be accompanied by an application fee  
9 required by the board and two classifiable sets of fingerprints on  
10 forms provided by the board.

11 ~~SEC. 7.~~

12 *SEC. 8.* Section 1638.1 of the Business and Professions Code  
13 is amended to read:

14 1638.1. (a) (1) A person licensed pursuant to Section 1634  
15 who wishes to perform elective facial cosmetic surgery shall first  
16 apply for and receive a permit to perform elective facial cosmetic  
17 surgery from the board.

18 (2) A permit issued pursuant to this section shall be valid for a  
19 period of two years and must be renewed by the permitholder at  
20 the time his or her license is renewed. Every six years, prior to  
21 renewal of the permitholder's license and permit, the permitholder  
22 shall submit evidence acceptable to the credentialing committee  
23 that he or she has maintained continued competence to perform  
24 the procedures authorized by the permit. The credentialing  
25 committee may limit a permit consistent with paragraph (1) of  
26 subdivision (e) if it is not satisfied that the permitholder has  
27 established continued competence.

28 (b) The board may adopt regulations for the issuance of the  
29 permit that it deems necessary to protect the health, safety, and  
30 welfare of the public.

31 (c) A licensee may obtain a permit to perform elective facial  
32 cosmetic surgery by furnishing all of the following information  
33 on an application form approved by the board:

34 (1) Proof of successful completion of an oral and maxillofacial  
35 surgery residency program accredited by the Commission on Dental  
36 Accreditation of the American Dental Association.

37 (2) Proof that the applicant has satisfied the criteria specified  
38 in either subparagraph (A) or (B):

39 (A) (i) Is certified, or is a candidate for certification, by the  
40 American Board of Oral and Maxillofacial Surgery.

(ii) Submits to the board a letter from the program director of the accredited residency program, or from the director of a postresidency fellowship program accredited by the Commission on Dental Accreditation of the American Dental Association, stating that the licensee has the education, training, and competence necessary to perform the surgical procedures that the licensee has notified the board he or she intends to perform.

(iii) Submits documentation to the board of at least 10 operative reports from residency training or proctored procedures that are representative of procedures that the licensee intends to perform from both of the following categories:

(I) Cosmetic contouring of the osteocartilaginous facial structure, which may include, but is not limited to, rhinoplasty and otoplasty.

(II) Cosmetic soft tissue contouring or rejuvenation, which may include, but is not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation.

(iv) Submits documentation to the board showing the surgical privileges the applicant possesses at any licensed general acute care hospital and any licensed outpatient surgical facility in this state.

(B) (i) Has been granted privileges by the medical staff at a licensed general acute care hospital to perform the surgical procedures set forth in paragraph (A) at that hospital.

(ii) Submits to the board the documentation described in clause (iii) of subparagraph (A).

(3) Proof that the applicant is on active status on the staff of a general acute care hospital and maintains the necessary privileges based on the bylaws of the hospital to maintain that status.

(d) The application shall be accompanied by an application fee required by the board for an initial permit. The fee to renew a permit shall not exceed the maximum amount prescribed in Section 1724.

(e) (1) The board shall appoint a credentialing committee to review the qualifications of each applicant for a permit. Upon completion of the review of an applicant, the committee shall make a recommendation to the board on whether to issue or not issue a permit to the applicant. The permit may be unqualified, entitling the permitholder to perform any facial cosmetic surgical procedure authorized by this section, or it may contain limitations if the credentialing committee is not satisfied that the applicant has the

1 training or competence to perform certain classes of procedures,  
2 or if the applicant has not requested to be permitted for all  
3 procedures authorized by this section.

4 (2) The credentialing committee shall be comprised of five  
5 members, as follows:

6 (A) A physician and surgeon with a specialty in plastic and  
7 reconstructive surgery who maintains active status on the staff of  
8 a licensed general acute care hospital in this state.

9 (B) A physician and surgeon with a specialty in otolaryngology  
10 who maintains active status on the staff of a licensed general acute  
11 care hospital in this state.

12 (C) Three oral and maxillofacial surgeons licensed by the board  
13 who are board certified by the American Board of Oral and  
14 Maxillofacial Surgeons, and who maintain active status on the  
15 staff of a licensed general acute care hospital in this state, at least  
16 one of whom shall be licensed as a physician and surgeon in this  
17 state. Two years after the effective date of this section, any oral  
18 and maxillofacial surgeon appointed to the committee who is not  
19 licensed as a physician and surgeon shall hold a permit pursuant  
20 to this section.

21 (3) The board shall solicit from the following organizations  
22 input and recommendations regarding members to be appointed  
23 to the credentialing committee:

24 (A) The Medical Board of California.

25 (B) The California Dental Association.

26 (C) The California Association of Oral and Maxillofacial  
27 Surgeons.

28 (D) The California Medical Association.

29 (E) The California Society of Plastic Surgeons.

30 (F) Any other source that the board deems appropriate.

31 (4) The credentialing committee shall meet at a time and place  
32 directed by the board to evaluate applicants for permits. A quorum  
33 of three members shall be required for the committee to consider  
34 applicants and make recommendations to the board.

35 (f) A licensee may not perform any elective, facial cosmetic  
36 surgical procedure except at a general acute care hospital, a licensed  
37 outpatient surgical facility, or an outpatient surgical facility  
38 accredited by the Joint Commission on Accreditation of Healthcare  
39 Organizations (JCAHO), the American Association for Ambulatory  
40 Health Care (AAAHC), the Medicare program, or an accreditation

1 agency approved by the Medical Board of California pursuant to  
2 subdivision (g) of Section 1248.1 of the Health and Safety Code.

3 (g) For purposes of this section, the following terms shall have  
4 the following meanings:

5 (1) "Elective cosmetic surgery" means any procedure defined  
6 as cosmetic surgery in subdivision (d) of Section 1367.63 of the  
7 Health and Safety Code, and excludes any procedure that  
8 constitutes reconstructive surgery, as defined in subdivision (c) of  
9 Section 1367.63 of the Health and Safety Code.

10 (2) "Facial" means those regions of the human body described  
11 in Section 1625 and in any regulations adopted pursuant to that  
12 section by the board.

13 (h) A holder of a permit issued pursuant to this section shall not  
14 perform elective facial cosmetic surgical procedures unless he or  
15 she has malpractice insurance or other financial security protection  
16 that would satisfy the requirements of Section 2216.2 and any  
17 regulations adopted thereunder.

18 (i) A holder of a permit shall comply with the requirements of  
19 subparagraph (D) of paragraph (2) of subdivision (a) of Section  
20 1248.15 of the Health and Safety Code, and the reporting  
21 requirements specified in Section 2240, with respect to any surgical  
22 procedure authorized by this section, in the same manner as a  
23 physician and surgeon.

24 (j) Any violation of this section constitutes unprofessional  
25 conduct and is grounds for the revocation or suspension of the  
26 person's permit, license, or both, or the person may be reprimanded  
27 or placed on probation. Proceedings initiated by the board under  
28 this section shall be conducted in accordance with Chapter 5  
29 (commencing with Section 11500) of Part 1 of Division 3 of Title  
30 2 of the Government Code, and the board shall have all the powers  
31 granted therein.

32 (k) On or before January 1, 2009, and every four years thereafter,  
33 the board shall report to the Joint Committee on Boards,  
34 Commissions and Consumer Protection on all of the following:

35 (1) The number of persons licensed pursuant to Section 1634  
36 who apply to receive a permit to perform elective facial cosmetic  
37 surgery from the board pursuant to subdivision (a).

38 (2) The recommendations of the credentialing committee to the  
39 board.

1 (3) The board's action on recommendations received by the  
2 credentialing committee.

3 (4) The number of persons receiving a permit from the board  
4 to perform elective facial cosmetic surgery.

5 (5) The number of complaints filed by or on behalf of patients  
6 who have received elective facial cosmetic surgery by persons  
7 who have received a permit from the board to perform elective  
8 facial cosmetic surgery.

9 (6) Action taken by the board resulting from complaints filed  
10 by or on behalf of patients who have received elective facial  
11 cosmetic surgery by persons who have received a permit from the  
12 board to perform elective facial cosmetic surgery.

13 ~~SEC. 8.~~

14 *SEC. 9.* Section 1638.3 of the Business and Professions Code  
15 is amended to read:

16 1638.3. (a) The fee to renew an oral and maxillofacial surgery  
17 permit shall be the amount prescribed in Section 1724.

18 (b) Every provision of this chapter applicable to a person  
19 licensed to practice dentistry shall apply to a person to whom a  
20 special permit is issued under this article.

21 ~~SEC. 9.~~

22 *SEC. 10.* Section 1646.6 of the Business and Professions Code  
23 is amended to read:

24 1646.6. (a) The application fee for a permit or renewal under  
25 this article shall not exceed the amount prescribed in Section 1724.

26 (b) The fee for an onsite inspection shall not exceed the amount  
27 prescribed in Section 1724.

28 (c) It is the intent of the Legislature that fees established  
29 pursuant to this section be equivalent to administration and  
30 enforcement costs incurred by the board in carrying out this article.

31 (d) At the discretion of the board, the fee for onsite inspection  
32 may be collected and retained by a contractor engaged pursuant  
33 to subdivision (b) of Section 1646.4.

34 ~~SEC. 10.~~

35 *SEC. 11.* Section 1647.8 of the Business and Professions Code  
36 is amended to read:

37 1647.8. (a) The application fee for a permit or renewal under  
38 this article shall not exceed the amount prescribed in Section 1724.

39 (b) The fee for an onsite inspection shall not exceed the amount  
40 prescribed in Section 1724.

(c) It is the intent of the Legislature that the board hire sufficient staff to administer the program and that the fees established pursuant to this section be equivalent to administration and enforcement costs incurred by the board in carrying out this article.

~~SEC. 11.~~

*SEC. 12.* Section 1650.1 is added to the Business and Professions Code, to read:

1650.1. (a) Every applicant and licensee who has an electronic mail address shall report to the board that electronic mail address no later than July 1, 2016. The electronic mail address shall be considered confidential and not subject to public disclosure.

(b) The board shall annually send an electronic notice to each applicant and licensee that requests confirmation from the ~~application~~-applicant or licensee that his or her electronic mail address is current.

~~SEC. 12.~~

*SEC. 13.* Section 1724 of the Business and Professions Code is amended to read:

1724. The amount of charges and fees for dentists licensed pursuant to this chapter shall be established by the board as is necessary for the purpose of carrying out the responsibilities required by this chapter as it relates to dentists, subject to the following limitations:

(a) The fee for an application for licensure qualifying pursuant to paragraph (1) of subdivision (c) of Section 1632 shall not exceed one thousand five hundred dollars (\$1,500). The fee for an application for licensure qualifying pursuant to paragraph (2) of subdivision (c) of Section 1632 shall not exceed one thousand dollars (\$1,000).

(b) The fee for an application for licensure qualifying pursuant to Section 1634.1 shall not exceed one thousand dollars (\$1,000).

(c) The fee for an application for licensure qualifying pursuant to Section 1635.5 shall not exceed one thousand dollars (\$1,000).

(d) The fee for an initial license and for the renewal of a license is five hundred twenty-five dollars (\$525). On and after January 1, 2016, the fee for an initial license shall not exceed six hundred fifty dollars (\$650), and the fee for the renewal of a license shall not exceed six hundred fifty dollars (\$650). On and after January 1, 2018, the fee for an initial license shall not exceed eight hundred



1 dollars (\$800), and the fee for the renewal of a license shall not  
2 exceed eight hundred dollars (\$800).

3 (e) The fee for an application for a special permit shall not  
4 exceed one thousand dollars (\$1,000), and the renewal fee for a  
5 special permit shall not exceed six hundred dollars (\$600).

6 (f) The delinquency fee shall be 50 percent of the renewal fee  
7 for such a license or permit in effect on the date of the renewal of  
8 the license or permit.

9 (g) The penalty for late registration of change of place of  
10 practice shall not exceed seventy-five dollars (\$75).

11 (h) The fee for an application for an additional office permit  
12 shall not exceed seven hundred fifty dollars (\$750), and the fee  
13 for the renewal of an additional office permit shall not exceed three  
14 hundred seventy-five dollars (\$375).

15 (i) The fee for issuance of a replacement pocket license,  
16 replacement wall certificate, or replacement engraved certificate  
17 shall not exceed one hundred twenty-five dollars (\$125).

18 (j) The fee for a provider of continuing education shall not  
19 exceed five hundred dollars (\$500) per year.

20 (k) The fee for application for a referral service permit and for  
21 renewal of that permit shall not exceed twenty-five dollars (\$25).

22 (l) The fee for application for an extramural facility permit and  
23 for the renewal of a permit shall not exceed twenty-five dollars  
24 (\$25).

25 (m) The fee for an application for an elective facial cosmetic  
26 surgery permit shall not exceed four thousand dollars (\$4,000),  
27 and the fee for the renewal of an elective facial cosmetic surgery  
28 permit shall not exceed eight hundred dollars (\$800).

29 (n) The fee for an application for an oral and maxillofacial  
30 surgery permit shall not exceed one thousand dollars (\$1,000), and  
31 the fee for the renewal of an oral and maxillofacial surgery permit  
32 shall not exceed one thousand two hundred dollars (\$1,200).

33 (o) The fee for an application for a general anesthesia permit  
34 shall not exceed one thousand dollars (\$1,000), and the fee for the  
35 renewal of a general anesthesia permit shall not exceed six hundred  
36 dollars (\$600).

37 (p) The fee for an onsite inspection and evaluation related to a  
38 general anesthesia or conscious sedation permit shall not exceed  
39 four thousand five hundred dollars (\$4,500).

(q) The fee for an application for a conscious sedation permit shall not exceed one thousand dollars (\$1,000), and the fee for the renewal of a conscious sedation permit shall not exceed six hundred dollars (\$600).

(r) The fee for an application for an oral conscious sedation permit shall not exceed one thousand dollars (\$1,000), and the fee for the renewal of an oral conscious sedation permit shall not exceed six hundred dollars (\$600).

(s) The fee for a certification of licensure shall not exceed one hundred twenty-five dollars (\$125).

(t) The fee for an application for the law and ethics examination shall not exceed two hundred fifty dollars (\$250).

The board shall report to the appropriate fiscal committees of each house of the Legislature whenever the board increases any fee pursuant to this section and shall specify the rationale and justification for that increase.

~~SEC. 13.~~

*SEC. 14.* Section 1725 of the Business and Professions Code is amended to read:

1725. The amount of the fees prescribed by this chapter that relate to the licensing and permitting of dental assistants shall be established by regulation and subject to the following limitations:

(a) The application fee for an original license shall not exceed two hundred dollars (\$200).

(b) The fee for examination for licensure as a registered dental assistant shall not exceed the actual cost of the practical examination.

(c) The fee for application and for the issuance of an orthodontic assistant permit or a dental sedation assistant permit shall not exceed two hundred dollars (\$200).

(d) The fee for the written examination for an orthodontic assistant permit or a dental sedation assistant permit shall not exceed the actual cost of the examination.

(e) The fee for the written examination for a registered dental assistant shall not exceed the actual cost of the examination.

(f) The fee for the written examination in law and ethics for a registered dental assistant shall not exceed the actual cost of the examination.

1 (g) The fee for examination for licensure as a registered dental  
2 assistant in extended functions shall not exceed the actual cost of  
3 the examination.

4 (h) The fee for examination for licensure as a registered dental  
5 hygienist shall not exceed the actual cost of the examination.

6 (i) For third- and fourth-year dental students, the fee for  
7 examination for licensure as a registered dental hygienist shall not  
8 exceed the actual cost of the examination.

9 (j) The fee for examination for licensure as a registered dental  
10 hygienist in extended functions shall not exceed the actual cost of  
11 the examination.

12 (k) The board shall establish the fee at an amount not to exceed  
13 the actual cost for licensure as a registered dental hygienist in  
14 alternative practice.

15 (l) The biennial renewal fee for a registered dental assistant  
16 license, registered dental assistant in extended functions license,  
17 dental sedation assistant permit, or orthodontic assistant permit  
18 shall not exceed two hundred dollars (\$200).

19 (m) The delinquency fee shall be 50 percent of the renewal fee  
20 for the license or permit in effect on the date of the renewal of the  
21 license or permit.

22 (n) The fee for issuance of a duplicate registration, license,  
23 permit, or certificate to replace one that is lost or destroyed, or in  
24 the event of a name change, shall not exceed one hundred dollars  
25 (\$100).

26 (o) The fee for each curriculum review and site evaluation for  
27 educational programs for registered dental assistants that are not  
28 accredited by a board-approved agency, or the Chancellor's office  
29 of the California Community Colleges shall not exceed seven  
30 thousand five hundred dollars (\$7,500).

31 (p) The fee for review of each approval application or  
32 reevaluation for a course that is not accredited by a board-approved  
33 agency or the Chancellor's office of the California Community  
34 Colleges shall not exceed two thousand dollars (\$2,000).

35 (q) Fees collected pursuant to this section shall be deposited in  
36 the State Dental Assistant Fund.

37 *SEC. 15. Section 1742 of the Business and Professions Code*  
38 *is amended to read:*

39 1742. (a) There is hereby created a Dental Assisting Council  
40 of the Dental Board of California, which shall consider all matters

1 relating to dental assistants in this state, on its own initiative or  
2 upon the request of the board, and make appropriate  
3 recommendations to the board and the standing committees of the  
4 board, including, but not limited to, the following areas:

5 (1) Requirements for dental assistant examination, licensure,  
6 permitting, and renewal.

7 (2) Standards and criteria for approval of dental assisting  
8 educational programs, courses, and continuing education.

9 (3) Allowable dental assistant duties, settings, and supervision  
10 levels.

11 (4) Appropriate standards of conduct and enforcement for dental  
12 assistants.

13 (5) Requirements regarding infection control.

14 (b) (1) The members of the council shall be appointed by the  
15 board and shall include the registered dental assistant member of  
16 the board, another member of the board, and five registered dental  
17 assistants, representing as broad a range of dental assisting  
18 experience and education as possible, who meet the requirements  
19 of paragraph (2).

20 (2) The board shall consider, in its appointments of the five  
21 registered dental assistant members, recommendations submitted  
22 by any incorporated, nonprofit professional society, association,  
23 or entity whose membership is comprised of registered dental  
24 assistants within the state. Two of those members shall be  
25 employed as faculty members of a registered dental assisting  
26 educational program approved by the board, and shall have been  
27 so employed for at least the prior five years. Three of those  
28 members, which shall include one registered dental assistant in  
29 extended functions, shall be employed clinically in private dental  
30 practice or public safety net or dental health care clinics. All five  
31 of those members shall have possessed a current and active  
32 registered dental assistant or registered dental assistant in extended  
33 functions license for at least the prior five years, and shall not be  
34 employed by a current member of the board.

35 (c) No council appointee shall have served previously on the  
36 dental assisting forum or have any financial interest in any  
37 registered dental assistant school. All final candidate qualifications  
38 and applications for board-appointed council members shall be  
39 made available in the published board materials with final

1 candidate selection conducted during the normal business of the  
2 board during public meetings.

3 (d) A vacancy occurring during a term shall be filled by  
4 appointment by the board for the unexpired term, according to the  
5 criteria applicable to the vacancy within 90 days after it occurs.

6 (e) Each member shall comply with conflict of interest  
7 requirements that apply to board members.

8 (f) The council shall meet in conjunction with other board  
9 committees, and at other times as deemed necessary.

10 (g) Each member shall serve for a term of four years, except  
11 that, of the initial appointments of the nonboard members, one of  
12 the members shall serve a term of one year, one member shall  
13 serve a term of two years, two members shall serve a term of three  
14 years, and one member shall serve a term of four years, as  
15 determined by the board. *No member shall serve more than two*  
16 *full terms.*

17 (h) Recommendations by the council pursuant to this section  
18 shall be approved, modified, or rejected by the board within 120  
19 days of submission of the recommendation to the board. If the  
20 board rejects or significantly modifies the intent or scope of the  
21 recommendation, the council may request that the board provide  
22 its reasons in writing for rejecting or significantly modifying the  
23 recommendation, which shall be provided by the board within 30  
24 days of the request.

25 ~~(i) The board shall make all the initial appointments by May 1,~~  
26 ~~2012.~~

27 ~~(j)~~

28 (i) The council shall select a chair who shall establish the  
29 agendas of the council and shall serve as the council's liaison to  
30 the board, including the reporting of the council's recommendations  
31 to the board.

32 ~~SEC. 14.~~

33 *SEC. 16.* Section 2841 of the Business and Professions Code  
34 is amended to read:

35 2841. (a) There is in the Department of Consumer Affairs a  
36 Board of Vocational Nursing and Psychiatric Technicians of the  
37 State of California, consisting of 11 members.

38 (b) Within the meaning of this chapter, "board," or "the board,"  
39 refers to the Board of Vocational Nursing and Psychiatric  
40 Technicians of the State of California.

1 (c) This section shall remain in effect only until January 1, 2018,  
2 and as of that date is repealed. Notwithstanding any other law, the  
3 repeal of this section renders the board subject to review by the  
4 appropriate policy committees of the Legislature.

5 SEC. 15. ~~Section 2847 of the Business and Professions Code~~  
6 ~~is amended to read:~~

7 ~~2847. (a) The board shall select an executive officer who shall~~  
8 ~~perform duties as are delegated by the board and who shall be~~  
9 ~~responsible to it for the accomplishment of those duties.~~

10 ~~(b) The person selected to be the executive officer of the board~~  
11 ~~shall be a duly licensed vocational nurse under this chapter, a duly~~  
12 ~~licensed professional nurse as defined in Section 2725, or a duly~~  
13 ~~licensed psychiatric technician. The executive officer shall not be~~  
14 ~~a member of the board.~~

15 ~~(c) With the approval of the Director of Finance, the board shall~~  
16 ~~fix the salary of the executive officer.~~

17 ~~(d) The executive officer shall be entitled to traveling and other~~  
18 ~~necessary expenses in the performance of his or her duties. He or~~  
19 ~~she shall make a statement, certified before a duly authorized~~  
20 ~~person, that the expenses have been actually incurred.~~

21 ~~(e) This section shall remain in effect only until January 1, 2018,~~  
22 ~~and as of that date is repealed.~~

23 SEC. 16. ~~Section 2894 of the Business and Professions Code~~  
24 ~~is amended to read:~~

25 ~~2894. (a) All money in the Vocational Nursing and Psychiatric~~  
26 ~~Technicians Fund shall be used to carry out this chapter, including~~  
27 ~~the promotion of nursing education in this state, and Chapter 10~~  
28 ~~(commencing with Section 4500), and for the refund, in accordance~~  
29 ~~with law, of license fees or other moneys paid into the Vocational~~  
30 ~~Nursing and Psychiatric Technicians Fund under the provisions~~  
31 ~~of this chapter and Chapter 10 (commencing with Section 4500).~~

32 ~~(b) Claims against the Vocational Nursing and Psychiatric~~  
33 ~~Technicians Fund shall be audited by the Controller, and shall be~~  
34 ~~paid by the Treasurer upon warrants drawn by the Controller.~~

35 SEC. 17. ~~Section 2894 of the Business and Professions Code~~  
36 ~~is amended to read:~~

37 ~~2894. (a) All money in the Vocational Nursing and Psychiatric~~  
38 ~~Technicians Fund shall be used to carry out the provisions of this~~  
39 ~~chapter, including the promotion of nursing education in this state,~~  
40 ~~and for the refund, in accordance with law, of license fees or other~~

1 moneys paid into the Vocational Nursing and Psychiatric  
2 Technicians Fund under the provisions of this chapter.

3 ~~Claims~~

4 (b) *Claims* against the Vocational Nursing and Psychiatric  
5 Technicians Fund shall be audited by the Controller, and shall be  
6 paid by the Treasurer upon warrants drawn by the Controller.

7 (c) *This section shall become inoperative on July 1, 2016, and,*  
8 *as of January 1, 2017, is repealed.*

9 *SEC. 18. Section 2894 is added to the Business and Professions*  
10 *Code, to read:*

11 2894. (a) *All money in the Vocational Nursing and Psychiatric*  
12 *Technicians Fund shall be used to carry out this chapter, including*  
13 *the promotion of nursing education in this state, and Chapter 10*  
14 *(commencing with Section 4500), and for the refund, in accordance*  
15 *with law, of license fees or other moneys paid into the Vocational*  
16 *Nursing and Psychiatric Technicians Fund under the provisions*  
17 *of this chapter and Chapter 10 (commencing with Section 4500).*

18 (b) *Claims* against the Vocational Nursing and Psychiatric  
19 Technicians Fund shall be audited by the Controller, and shall be  
20 paid by the Treasurer upon warrants drawn by the Controller.

21 (c) *This section shall become operative on July 1, 2016.*

22 ~~SEC. 17.~~

23 *SEC. 19. Section 4501 of the Business and Professions Code*  
24 *is amended to read:*

25 4501. (a) “Board,” as used in this chapter, means the Board  
26 of Vocational Nursing and Psychiatric Technicians of the State of  
27 California.

28 (b) This section shall remain in effect only until January 1, 2018,  
29 and as of that date is repealed.

30 ~~SEC. 18.~~

31 *SEC. 20. Section 4503 of the Business and Professions Code*  
32 *is amended to read:*

33 4503. (a) The board shall administer and enforce this chapter.

34 (b) This section shall remain in effect only until January 1, 2018,  
35 and as of that date is repealed.

36 ~~SEC. 19. Section 4547 of the Business and Professions Code~~  
37 ~~is amended to read:~~

38 ~~4547. All expenses incurred in the operation of this chapter or~~  
39 ~~Chapter 6.5 (commencing with Section 2840) shall be paid out of~~  
40 ~~the Vocational Nursing and Psychiatric Technicians Fund from~~

1 ~~the revenue received by the board under this chapter or Chapter~~  
2 ~~6.5 (commencing with Section 2840) and deposited in the~~  
3 ~~Vocational Nursing and Psychiatric Technicians Fund.~~

4 *SEC. 21. Section 4547 of the Business and Professions Code*  
5 *is amended to read:*

6 4547. (a) All expenses incurred in the operation of this chapter  
7 shall be paid out of the Vocational Nursing and Psychiatric  
8 Technicians Fund from the revenue received by the board under  
9 this chapter and deposited in the Vocational Nursing and  
10 Psychiatric Technicians Fund. No part of the expenses shall be  
11 charged against any funds which are derived from any functions  
12 of the board provided for in other chapters of this code.

13 (b) *This section shall become inoperative on July 1, 2016, and,*  
14 *as of January 1, 2017, is repealed.*

15 *SEC. 22. Section 4547 is added to the Business and Professions*  
16 *Code, to read:*

17 4547. (a) All expenses incurred in the operation of this chapter  
18 or Chapter 6.5 (commencing with Section 2840) shall be paid out  
19 of the Vocational Nursing and Psychiatric Technicians Fund from  
20 the revenue received by the board under this chapter or Chapter  
21 6.5 (commencing with Section 2840) and deposited in the  
22 Vocational Nursing and Psychiatric Technicians Fund.

23 (b) *This section shall become operative on July 1, 2016.*